



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 22, 1992

Mr. Jesus Toscano, Jr.
Administrative Assistant City Attorney
City Hall
Dallas, Texas 75201

OR92-652

Dear Mr. Toscano:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 18000.

You have received a request for information relating to a proposed referendum. Specifically, the requestor seeks:

All records, correspondence, communications, memoranda, ordinances, resolutions and documentation of any type whatsoever (including, but not limited to draft ordinances), concerning or related to the following:

a. A public referendum recently proposed, discussed or considered by any City Council members concerning the federal law (commonly referred to as the "Wright Amendment") which limits and restricts air travel to and from Love Field and/or a referendum related to the public support of the Dallas Area Rapid Transit Authority.

b. Any draft ordinance, resolution or other document prepared in connection with this proposed referendum which, according to the Dallas Morning News was prepared by certain City of Dallas employees, including, but not limited to the City Attorney or others working at the direction of the City Attorney.

You have submitted to us for review handwritten notes and working papers of attorneys in the city attorney's office concerning the items in (a) and (b) of the request (Exhibit B), a memorandum from the city attorney to three councilmembers (Exhibit C), and a draft ordinance prepared by the city attorney's office (Exhibit D). You claim that this informa-

tion is excepted from required public disclosure by sections 3(a)(6), 3(a)(7), and 3(a)(11) of the Open Records Act. As you do not comment on the remainder of the requested information, we presume that it either does not exist or it has been or will be made available to the requestor. *See* Open Records Decision No. 363 (1983).

In Open Records Decision No. 574 (1990) (copy enclosed), this office held that protection of section 3(a)(7) was limited to information that revealed client confidences to an attorney or that revealed the attorney's legal advice. Information that does not contain legal advice or opinion or reveal client confidences is not protected by section 3(a)(7). *Id.*

We have examined the documents submitted to us for review. Exhibit B includes a handwritten draft ordinance prepared by the city attorney's office, an analysis of the draft ordinance's ramifications, and other legal advice concerning the proposed ordinance. Exhibit C is a memorandum to three city councilmembers and includes the legal advice of the city attorney. Exhibit D is a copy of the typed draft ordinance. While some of the information in these documents is factual, it is inextricably intertwined with information we conclude constitutes legal advice protected under section 3(a)(7) of the Open Records Act. Accordingly, Exhibits B, C, and D may be withheld in their entirety from required public disclosure under section 3(a)(7) of the Open Records Act. Because we resolve this matter under section 3(a)(7), we need not address the applicability of sections 3(a)(6) and 3(a)(11) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/GCK/lmm

Ref.: ID# 18000

Enclosure: Open Records Decision No. 574

cc: Pat Cotton
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Dallas, Texas 75206